HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO. 9122 OF 2006

DATED: 28.4.2006

Between:

C. Shashi Kumar

… Petitioner

and

The Special Executive Magistrate,

Hyderabad and others

… Respondents

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.9122 OF 2006

ORAL ORDER:

The petitioner assails the notice dated 12.4.2006 issued by the 1st respondent which calls upon the petitioner to show cause by 29.4.2006 why the petitioner should not execute a personal bond for Rs.5,000/- and provide one surety for the same sum, ensuring that the petitioner would keep peace for a period of one year. This notice has been issued on the basis of an application filed by the 2nd respondent 16.3.2006 to the 1st respondent.

The petitioner alleges that the impugned notice is issued under Section 107 of the Code of Criminal Procedure (for short 'the Code') without following the procedural requirements under Section 111 of the Code.

On a true and fair construction of the notice dated 12.4.2006, the conclusion is irresistible, that it is in terms, a notice to show cause under Section 111 of the Code. The petitioner's contention is therefore misconceived, as is the writ petition.

The writ petition is dismissed at the stage of admission. No order as to costs.

GODA RAGHURAM, J

Date: 28.4.2006

CVM